

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

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William Alexander Lee,

Case No. 2:23-cv-00919-APG-DJA

Plaintiff,

Order

V.

Yellow Checker Star Transportation Taxi Management, et al.,

Defendants.

Before the Court is Plaintiff's motion for the Court to order that service of summons be made by the United States Marshals Service. (ECF No. 38). Plaintiff appears to be asking to amend his complaint and for the Court to order service of his amended complaint because he attaches a motion to amend his complaint. (*Id.* at 6-9). Plaintiff does not attach a proposed amended complaint to his motion, instead, his motion appears to include his proposed amended claims. (*Id.*). Defendant Yellow Checker Star Transportation opposes Plaintiff's motion. (ECF No. 40). It argues that his motion to amend is procedurally improper because he does not attach a proposed amendment as required by Local Rule 15-1(a). (*Id.*).¹ Plaintiff replies and explains that he has mental health issues that make it difficult for him to engage in this case. (ECF No. 41).

The Court denies Plaintiff's motion to amend because it is not procedurally proper. If Plaintiff wishes to amend his complaint, he must file a motion to amend as required by Federal

¹ Defendant also argues that Plaintiff's motion to amend is futile because it seeks to reassert claims the Court already dismissed. (ECF No. 40). Plaintiff acknowledges this in reply, stating that he intends to reassert those claims. (ECF No. 41). However, because the Court denies the motion to amend on procedural grounds, the Court does not reach the merits of the motion to amend.

1 Rule of Civil Procedure 15(a)(2). Under Local Rule 15-1(a),² that motion must *attach* the
2 proposed amended complaint. Under Local Rule 7-2, the motion to amend itself must include a
3 memorandum of points and authorities supporting his request to amend his complaint.

4 Additionally, Defendant has appeared in this case and filed a motion to dismiss. (ECF
5 No. 31). However, the parties have not yet filed a discovery plan and scheduling order as
6 required by Federal Rule of Civil Procedure 26(f) and Local Rule 26-1. The Court will therefore
7 order the parties to file their stipulated discovery plan on or before February 3, 2025.

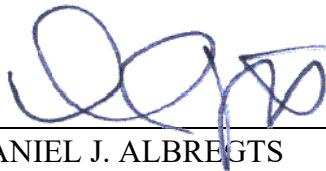
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9 **IT IS THEREFORE ORDERED** that Plaintiff's motion to amend his complaint, titled a
10 motion for service of summons, (ECF No. 38) is **denied without prejudice**. The Clerk of Court
11 is kindly directed to send Plaintiff a copy of this order.

12 **IT IS FURTHER ORDERED** that the parties must file their stipulated discovery plan on
13 or before **February 3, 2025**.

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15 DATED: January 3, 2025



16 DANIEL J. ALBREGTS
17 UNITED STATES MAGISTRATE JUDGE
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27 ² "Local Rule" refers to the Local Rules for the United States District Court for the District of
28 Nevada, which can be found online at <https://www.nvd.uscourts.gov/court-information/rules-and-orders/>.